

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Keyne Jean Villert	Team: Team # 3	CCRB Case #: 201209936	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/27/2012 2:45 PM	Location of Incident: Intersection of § 87(2)(b) and § 87(2)(b)	Precinct: 90	18 Mo. SOL 1/27/2014	EO SOL 1/27/2014	
Date/Time CV Reported Mon, 07/30/2012 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/02/2012 1:27 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Raul Santos	02329	931160	090 PCT
2. POM Christophe Williams	02924	942706	090 PCT
3. POM Stephen Sheppard	13816	945001	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alfredo Skelton	29533	944175	090 PCT
2. SGT Louis Bauso	04835	923543	090 PCT
3. SGT Jose Frias	29737	945737	090 PCT
4. POM Domenico Iadevaia	23899	935931	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Sheppard	Abuse: Officer Stephen Sheppard stopped § 87(2)(b)	
B.POM Raul Santos	Abuse: Officer Raul Santos stopped § 87(2)(b)	
C.POM Stephen Sheppard	Abuse: Officer Stephen Sheppard questioned § 87(2)(b)	
D.POM Raul Santos	Abuse: Officer Raul Santos frisked § 87(2)(b)	
E.POM Raul Santos	Abuse: Officer Raul Santos searched § 87(2)(b)	
F.POM Stephen Sheppard	Abuse: Officer Stephen Sheppard searched § 87(2)(b)	
G.POM Christophe Williams	Abuse: Officer Christophe Williams threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 30, 2012, § 87(2)(b) filed this complaint, on his own behalf, with the Internal Affairs Bureau (IAB) via telephone, generating IAB log 2012-40431 (encl. D1). On August 2, 2012, the Civilian Complaint Review Board (CCRB) received this complaint.

On July 27, 2012, at approximately 2:45 p.m., § 87(2)(b) was jogging in the vicinity of § 87(2)(b) in Brooklyn, when Officer Raul Santos and Officer Stephen Sheppard, both assigned to the 90th Precinct, approached him. The following allegations resulted:

- **Allegation A – Abuse of Authority: Officer Stephen Sheppard stopped** § 87(2)(b)
- **Allegation B – Abuse of Authority: Officer Raul Santos stopped** § 87(2)(b)
- **Allegation C – Abuse of Authority: Officer Stephen Sheppard questioned** § 87(2)(b)
- **Allegation D – Abuse of Authority: Officer Raul Santos frisked** § 87(2)(b)
- **Allegation E – Abuse of Authority: Officer Raul Santos searched** § 87(2)(b)
- **Allegation F – Abuse of Authority: Officer Stephen Sheppard searched** § 87(2)(b)
- **Allegation G – Abuse of Authority: Officer Christopher Williams threatened to arrest** § 87(2)(b)

§ 87(2)(g)

- § 87(4-b), § 87(2)(g)

On August 3, 2012, this case was assigned to Investigator Isaac Lara. On April 25, 2013 this case was reassigned to the undersigned investigator due to Investigator Lara's departure from the CCRB.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) Hispanic man. He stands at 5'10" tall, weighs 153 pounds, and has black hair and brown eyes. § 87(2)(b)

CCRB Testimony

On August 14, 2012, § 87(2)(b) was interviewed at the CCRB (encl. E2-E7). § 87(2)(g)

On July 27, 2012, at approximately 2:40 p.m., § 87(2)(b) exited his building, located at § 87(2)(b) in Brooklyn, and jogged to the subway station, while carrying a duffel bag on his shoulder and wearing headphones. While jogging, § 87(2)(b) was moving his hands in a drumming motion. § 87(2)(b) did not stop to speak with anyone.

As § 87(2)(b) was approaching the intersection of § 87(2)(b) located approximately two blocks away from his home, § 87(2)(b) felt a hand on his shoulder. § 87(2)(b) turned around and saw two uniformed officers, identified via investigation as Officer Raul Santos and Officer Stephen Sheppard, both assigned to the 90th Precinct.

The officers informed § 87(2)(b) they had been calling out to him, but that he had not stopped. Officer Sheppard asked § 87(2)(b) why he had been running, to which § 87(2)(b) replied he was late for work. Officer Sheppard subsequently removed § 87(2)(b)'s bag from his shoulder while Officer Santos asked him for his name and date of birth. § 87(2)(b) explained to the officers that he had never done drugs in his life, and Officer Santos asked him how he knew the stop was related to drugs. Officer Santos then pushed § 87(2)(b) against a nearby fence and frisked him. At some point during the frisk, Officer Santos entered § 87(2)(b)'s front right pocket, which was empty, and Officer Sheppard entered his bag. Officer Santos then walked over to an unmarked patrol car and came back after a few minutes.

At some point, a uniformed officer, identified via investigation as Officer Christopher Williams, also assigned to the 90th Precinct, exited a marked patrol van, which § 87(2)(b) had not previously noticed, and approached Officer Sheppard and Officer Santos. The marked patrol van was being driven by another officer, identified via investigation as Officer Domenico Iadevaia, also assigned to the 90th Precinct. § 87(2)(b) then stated to the officers, "You have to call my boss and tell him why I'm running late," and Officer Williams replied, "We're not calling anybody. Shut up, walk away, or you're going to be arrested." § 87(2)(b) was eventually released without being issued a summons or getting arrested.

NYPD Statements:

Subject Officer: OFFICER RAUL SANTOS

- *Officer Santos was § 87(2)(b) old on the date of the incident. He is a Hispanic man, is 5'9" tall, weighs 175 pounds, and has black hair and brown eyes.*
- *On July 27, 2012, Officer Santos was assigned to the Street Narcotics Enforcement Unit Apprehension Team. Officer Santos was dressed in uniform and was partnered with Officer Stephen Sheppard and Officer Christopher Williams in an unmarked patrol car. Officer Santos worked from 11:00 a.m. to 7:35 p.m.*

Stop, Question and Frisk Report Number § 87(2)(b)

The Stop, Question and Frisk report related to this incident (encl. H), filed by Officer Santos, indicates that § 87(2)(b) was suspected of being in possession of a controlled substance, following his use of furtive movements and taking actions indicative of engaging in a drug transaction. § 87(2)(b) was frisked due to his use of furtive movements and refusal to comply with officer directives. The report further indicated that the area where the stop occurred has a high incidence of possession of controlled substances crimes and that § 87(2)(b) was associating

with persons known for their criminal activity. The report also noted that § 87(2)(b) was not searched, and that no contraband was found.

Memo Book Entries

At 2:45 p.m., § 87(2)(b) was stopped on § 87(2)(b) following an observation of a hand-to-hand transaction with another man made by observation post officers. A Stop, Question, and Frisk report was filed for criminal possession of a controlled substance (encl. F1-F3).

CCRB Testimony

On May 29, 2013, Officer Santos was interviewed at the CCRB (encl. I1-I2). His statement is summarized below.

Officer Santos stated during his interview that he could not remember the incident. Officer Santos subsequently reviewed his memo book entries, the handwritten stop, question and frisk report filed following the stop, § 87(2)(b)'s photograph, the 90th Precinct Roll Call for the date of the incident, and a map of the incident location, none of which helped him recall the incident.

Subject Officer: OFFICER STEPHEN SHEPPARD

- *Officer Sheppard was § 87(2)(b) old on the date of the incident. He is a white man, is 5'9" tall, weighs 210 pounds, and has brown hair and hazel eyes.*
- *On July 27, 2012, Officer Sheppard, of the 90th Precinct, worked the same tour and assignment as Officer Santos.*

Memo Book Entries

Officer Sheppard did not prepare a memo book entry related to this incident (encl. J1-J3).

CCRB Testimony

On June 18, 2013, Officer Sheppard was interviewed at the CCRB (encl. L1-L2). His statement is summarized below.

Officer Sheppard stated during his interview that he could not remember the incident. Officer Sheppard subsequently reviewed his memo book entries, the handwritten stop, question and frisk report filed following the stop, § 87(2)(b)'s photograph, the 90th Precinct Roll Call for the date of the incident, and a map of the incident location, none of which helped him recall the incident.

Subject Officer: OFFICER CHRISTOPHER WILLIAMS

- *Officer Williams was § 87(2)(b) old on the date of the incident. He is a black man, is 5'9" tall, weighs 240 pounds, and has black hair and brown eyes.*
- *On July 27, 2012, Officer Williams, of the 90th Precinct, worked the same tour and assignment as Officer Santos and Officer Sheppard.*

Memo Book Entries

Officer Williams did not prepare a memo book entry related to this incident (encl. M1-M3).

CCRB Testimony

On June 13, 2013, Officer Williams was interviewed at the CCRB (encl. O1-O2). His statement is summarized below.

Officer Williams stated during his interview that he could not remember the incident. Officer Williams subsequently reviewed his memo book entries, the handwritten stop, question and frisk report filed following the stop, § 87(2)(b)'s photograph, the 90th Precinct Roll Call for the date of the incident, and a map of the incident location, none of which helped him recall the incident.

Additional Officers Interviewed

Sergeant Bauso, Officer Iadevaia, Officer Skelton, and Sergeant Frias, were all interviewed at the CCRB due to also being assigned to the SNEU team at the time of the incident. None of the officers could remember the incident. None of the officers were part of the apprehension team with Officer Santos, Officer Sheppard, and Officer Williams, and were instead either assigned to the observation team, or prisoner van. Each of them reviewed their memo book entries, the handwritten stop, question and frisk report filed following the stop, § 87(2)(b)'s photograph, the 90th Precinct Roll Call for the date of the incident, and a map of the incident location, none of which helped them recall the incident.

NYPD Documents

90th Precinct Roll Call

The 90th Precinct Roll Call from the date of the incident indicates that Officer Santos, Officer Sheppard, Officer Williams, Officer Skelton, Sergeant Frias, Sergeant Bauso, and Officer Iadevaia were all assigned to SNEU. Officer Santos, Officer Sheppard, and Officer Skelton were all assigned to the same patrol van. Officer Skelton and Sergeant Frias were noted as being observation post officers. Sergeant Bauso was reassigned from Conditions Supervisor to SNEU supervisor, inside the same patrol van as Officer Iadevaia (encl. BB1-BB10).

90th Precinct Daily Vehicle Assignment Sheet

The 90th Precinct Daily Vehicle Assignment Sheet for the date of the incident indicates that vehicle number 8804, a marked van, was assigned to Conditions, whereas vehicle number 3436, an unmarked car, was assigned to SNEU (encl. CC).

Status of Civil Proceedings

As of May 24, 2013, roughly five months following the expiration of the 90-day filing deadline, § 87(2)(b) had not filed a Notice of Claim with the City of New York with regards to the incident (encl. EE).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. B4).

Subject Officers CCRB Histories

- Officer Santos has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. B1).
- Officer Sheppard has been a member of the service for 6 years and there is one substantiated CCRB allegation (encl. B2) against him:
 - In CCRB case number 200804416, the allegation that Officer Sheppard abused his authority against a civilian was substantiated against him. The CCRB

recommended for Officer Sheppard to receive a command discipline as a result of this allegation. Officer Sheppard eventually received instructions from the NYPD.

- Officer Williams has been a member of the service for 7 years and there is one substantiated CCRB allegation (encl. B3) against him:
 - In CCRB case number 201000416, the allegation that Officer Williams abused his authority against a civilian by issuing a retaliatory summons was substantiated against him. The CCRB recommended for Officer Williams to receive a command discipline as a result of this allegation. Officer Williams eventually received instructions from the NYPD.

Conclusion

Identification of Subject Officers

§ 87(2)(b) provided a description of Officer Santos, Officer Sheppard, and Officer Williams which closely match their pedigree information.

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Officer Stephen Sheppard stopped § 87(2)(b)

Allegation B – Abuse of Authority: Officer Raul Santos stopped § 87(2)(b)

Allegation C – Abuse of Authority: Officer Stephen Sheppard questioned § 87(2)(b)

Allegation D – Abuse of Authority: Officer Raul Santos frisked § 87(2)(b)

Allegation E – Abuse of Authority: Officer Raul Santos searched § 87(2)(b)

Allegation F – Abuse of Authority: Officer Stephen Sheppard searched § 87(2)(b)

Allegation G – Abuse of Authority: Officer Christopher Williams threatened to arrest

§ 87(2)(b)

§ 87(2)(b) stated that Officer Sheppard and Officer Santos stopped him. Officer Sheppard subsequently questioned him and searched his bag, while Officer Santos frisked and searched him. A few moments later, Officer Williams arrived at the scene and threatened to arrest § 87(2)(b)

Each of the officers involved with this incident were interviewed at least ten months after the date of the incident. None of the interviewed officers could recall the incident at the time of their CCRB statement. However, Officer Santos indicated in his memo book that § 87(2)(b) was observed making a hand-to-hand transaction with another individual, which is consistent with the Stop, Question and Frisk report he filed following the stop. The report also indicates that § 87(2)(b) was observed using furtive movements and refused to comply with officer directives, while being inside a drug-prone area.

§ 87(2)(g)

Investigator:	<u>Keyne Jean Villert</u>	
Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date